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EXTRAORDINARY

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PART II—Section 1

प्राधिकार से प्रकाशित

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No. 34] NEW DELHI, FRIDAY, JUNE 28, 1968/ASADHA 7, 1890

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 28th June, 1968/Asadha 7, 1890 (Saka)

The following President's Acts are published for general information:—

THE UTTAR PRADESH ZAMINDARI ABOLITION AND LAND REFORMS (AMENDMENT) ACT, 1968

No. 17 OF 1968

Enacted by the President in the Nineteenth Year of the Republic of India.

An Act further to amend the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950.

7 of 1968. In exercise of the powers conferred by section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968, the President is pleased to enact as follows:—

1. This Act may be called the Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Act, 1968. Short title.

Insertion of
new sections
100-A and
100-B.

2. After section 100 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 (hereinafter referred to as the principal Act), the following sections shall be inserted, namely:—

U.P. Act I
of 1951.

Special
provision for
re-determi-
nation of
annuity to
certain
waqfs, trusts
and endow-
ments.

"100-A. (1) Where any person acting or purporting to act on behalf of any waqf, trust or endowment referred to in clause (a) or clause (b) of section 78 has omitted to claim the annuity payable to such waqf, trust or endowment under section 99 or has made a wrong claim in respect thereof or any mistake has been made by the Rehabilitation Grants Officer in the determination of annuity payable to such waqf, trust or endowment, and as a result of any such omission, wrong claim or mistake the amount determined to be payable to it is less than the amount actually due under the said section 99 or the amount so determined is not in the form of annuity, any person competent to act on behalf of the waqf, trust or endowment, may file an application before the Rehabilitation Grants Officer for re-determination of the amount of annuity payable in accordance with the provisions of this Act to the wakf, trust or endowment.

(2) The application referred to in sub-section (1) may be filed within one year from the commencement of the Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Act, 1968, and shall be in such form as may be prescribed, and the provisions of this Act and the rules made thereunder shall be applicable thereto as if the aforesaid application were an application made under section 79:

Provided that in re-determining the amount payable to any waqf, trust or endowment, the amount already paid in cash or in bonds or partly in cash and partly in bonds or previously determined to be so payable in respect of the estate to which the application relates shall be deducted or adjusted, as the case may be.

(3) The provisions of this section shall have effect notwithstanding any judgment, decree or order of any court or anything contained in any other provision of this Act or any rules made thereunder.

Special
relief to
certain
waqfs, trusts
and endow-
ments.

100-B. (1) Every waqf, trust or endowment—

(i) which is wholly for religious or charitable purposes, and

(ii) which had been created before the 8th day of August, 1946, and

(iii) which, immediately preceding the date of vesting, had the right to realise land revenue in respect of land in any

estate which has vested in the State under this Act, as assignee or grantee thereof,

U.P. Act III
of 1901.

shall, notwithstanding that its name was not recorded in the record-of-rights maintained under clauses (a) to (d) of section 32 of the U.P. Land Revenue Act, 1901, as it stood immediately prior to the coming into force of this Act, and was accordingly not entitled to any compensation and rehabilitation grant under this Act, be paid, with effect from the date of vesting, an annuity which shall be equal to the annual land revenue payable to it as aforesaid immediately preceding the date of vesting, less fifteen per centum thereof on account of the estimated cost of management and bad debts.

(2) A waqf, trust or endowment referred to in sub-section (1) may, within one year from the commencement of the Uttar Pradesh Zamindari Abolition and Land Reforms (Amendment) Act, 1968, apply for determination and payment of the annuity referred to in sub-section (1).

(3) The provisions of this Act and the rules made thereunder in so far as they relate to determination and payment of rehabilitation grant shall *mutatis mutandis* apply to the determination and payment of annuity under sub-section (1)."

3. In section 101 of the principal Act, for the figures and word "98 or 99", the figures, letters and word "98, 99, 100-A or 100-B" shall be substituted. Amendment
of section
101.

4. Before section 122-B of the principal Act, the following section shall be inserted, namely:— Insertion
of new sec-
tion 122-A.

"122-A. (1) Subject to the provisions of this Act, the Land Management Committee shall be charged, for and on behalf of the Gaon Sabha, with the general superintendence, management, preservation and control of all the land, forests within village boundaries, trees (other than trees in a holding, grove or abadi), fisheries, tanks, ponds, water channels, pathways, abadi sites and hats, bazars and melas, vested in the Gaon Sabha under section 117. Superin-
tendence,
management
and control
of land, etc.,
by the Land
Management
Committee.

(2) Without prejudice to the generality of the foregoing provisions, the functions and duties of the Land Management Committee shall include—

- (a) the settling and management of land;
- (b) the conduct and prosecution of suits and proceedings by or against the Gaon Sabha;

- (c) the development and improvement of agriculture;
- (d) the preservation, maintenance and development of forests and trees;
- (e) the maintenance and development of abadi sites and village communications;
- (f) the management of hats, bazars and melas;
- (g) the development of co-operative farming;
- (h) the development of animal husbandry which includes pisciculture and poultry farming;
- (i) the consolidation of holdings;
- (j) the development of cottage industries;
- (k) the maintenance and development of fisheries and tanks; and
- (l) such other matters as may be prescribed.

(3) Subject to such conditions as may be prescribed, the Chairman or any other office-bearer or member of the Land Management Committee shall, for and on behalf of the Land Management Committee, be entitled to sign any document and to do all other things for the conduct and prosecution of suits and other proceedings.”.

Amendment
of section
153.

5. In section 153 of the principal Act, in sub-section (2), after the words “a co-operative society”, the words, brackets, letter and figures “or from the State Bank of India, or from any other bank, which is a scheduled bank, within the meaning of clause (e) of section 2 of the Reserve Bank of India Act, 1934, or from the Uttar Pradesh State Agro-Industrial Corporation Limited” shall be inserted.

Amendment
of section
145

6. In section 195 of the principal Act, after the words “the Land Management Committee”, where they occur for the first time, the words “with the previous approval of the Assistant Collector incharge of the sub-division” shall be inserted.

Amendment
of section
197

7. In section 197 of the principal Act, in the opening paragraph, after the words “The Land Management Committee”, where they

occur for the first time, the words "with the previous approval of the Assistant Collector incharge of the sub-division" shall be inserted.

8. In section 198 of the principal Act,—

Amendment
of section
198.

(a) in sub-section (2), for the words, figures and brackets "The Assistant Collector incharge of the sub-division may on his own motion and shall on the application of any person aggrieved by an order of the Land Management Committee passed under sub-section (1) enquire in the manner prescribed into an allotment made under sub-section (1)", the words, figure and brackets "The Collector may of his own motion and shall on the application of any person aggrieved by an allotment referred to in sub-section (1) inquire in the manner prescribed into such allotment" shall be substituted; and

(b) in sub-section (3), for the words "an Assistant Collector incharge of the sub-division", the words "the Collector" shall be substituted.

9. In section 202 of the principal Act, in clause (c), for the words "or the amount due has been deposited in court", the words "or the amount owing under the mortgage has, whether or not it has become payable thereunder, been deposited in court" shall be substituted.

Amendment
of section
202.

10. In section 337 of the principal Act, for the figures and words "2 acres shall count as 1 acre", the figures and words "1½ acres shall count as 1 acre" shall be substituted.

Amendment
of section
337.

11. In Schedule II to the principal Act, for serial numbers 20 and 20-A and entries relating thereto, the following shall be substituted, namely:—

Amendment
of Schedule
II.

I	2	3	4	5	6
"20	198(2)	Application objecting to allotment of land.	Collector	Commis- sioner	..
20-A	198(4)	Suit to esta- blish right claimed in the land.	Do.	Do.	.. "

Transitory
provisions.

12. Notwithstanding the amendments made in section 198 of, and in Schedule II to, the principal Act by this Act,—

(a) the jurisdiction to make inquiries and pass orders under sub-section (2) of the said section 198; and

(b) the jurisdiction to entertain and decide suits under sub-section (4) of the said section,

in relation to allotments referred to in sub-section (1) of the said section, made prior to the commencement of this Act, shall continue to vest in the Assistant Collector incharge of the sub-division, as if this Act had not been passed.

ZAKIR HUSAIN,

President.

V. N. BHATTIA,

Secy. to the Govt. of India.

Reasons for the enactment

On the abolition of Zamindari in Uttar Pradesh, the tenants have come in direct contact with the State and can acquire bhumidhari rights against payments at certain rates. There are still a large number of tenants who have not so far exercised their right to acquire bhumidhari rights and continue to be sirdars. About 295 lakh acres are held by such sirdars. They have permanent and heritable rights in land but their right of transfer is restricted under section 153 of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950. They can mortgage lands only to Government and registered co-operative societies for raising loans for development purposes. It is considered necessary to extend the right of transfer by enabling

sirdars to raise loans by hypothecating their interest in land to the State Bank of India and other scheduled banks and the Uttar Pradesh State Agro-Industrial Corporation Limited so that the sirdars can also avail of the facilities for agricultural development which are being made available by the said banks and Corporation.

2. It has been observed that the Land Management Committees have been exercising their powers under sections 195 and 197 indiscriminately. It is considered necessary that in future with a view to providing a check on the powers of the Land Management Committees previous approval of the Assistant Collector incharge of the subdivision should be obtained by such Committees and that objections, if any, against the orders passed by the Committees be heard by the Collector.

3. Opportunity has also been taken to provide for payment of annuity to certain waqfs, trusts and endowments for religious and charitable purposes in respect of the cessor of their rights and interests as assignees and grantees of land revenue, and also for re-determination of annuity payable to certain waqfs, trusts and endowments for religious purposes which have not been paid the full amount due to them on account of ignorance and certain omissions on the part of the Mutwallis or Shebais, etc., thereof.

4. In order to achieve these and certain other objects, the present measure is proposed to be enacted as a President's Act.

5. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968 (7 of 1968), has approved the enactment of this measure as a President's Act.

J. C. MATHUR,

*Addl. Secy. to the Govt. of India,
Ministry of Food, Agriculture,
Community Development and
Co-operation (Department of
Agriculture).*

THE UTTAR PRADESH CONSOLIDATION OF
HOLDINGS (AMENDMENT) ACT, 1968

No. 18 OF 1968

Enacted by the President in the Nineteenth Year of the
Republic of India.

An Act further to amend the Uttar Pradesh Consolidation of
Holdings Act, 1953.

In exercise of the powers conferred by section 3 of the Uttar
Pradesh State Legislature (Delegation of Powers) Act, 1968, the 7 of 1968.
President is pleased to enact as follows:—

Short title.

1. This Act may be called the Uttar Pradesh Consolidation of
Holdings (Amendment) Act, 1968.

Amendment
of section
48.

2. To section 48 of the Uttar Pradesh Consolidation of Holdings
Act, 1953 (hereinafter referred to as the principal Act), the follow-
ing *Explanation* shall be, and shall be deemed always to have been,
added, namely:—

U.P. Act V
of 1954.

*“Explanation.—*For the purposes of this section, Settle-
ment Officers, Consolidation; Consolidation Officers; Assistant
Consolidation Officers; Consolidators and Consolidation Lekhpals
shall be subordinate to the Director of Consolidation.”

Validating
provisions.

3. (1) (a) Every officer or authority on whom the powers of the
Director of Consolidation were at any time before the commencement
of this Act conferred under clause (ii) of section 44 of the principal
Act by the State Government shall, with effect from the date of such
conferment, be deemed to have been duly appointed as Director of
Consolidation under clause (4) of section 3 of the said Act; and

(b) every appointment of any person as Settlement Officer, Conso-
lidation, or Additional Settlement Officer, Consolidation, or Assistant
Settlement Officer, Consolidation, made at any time before the com-
mencement of this Act, by any officer or authority exercising the
powers of the State Government purporting to have been conferred
under clause (i) of section 44 of the principal Act shall be deemed to
be, and always to have been, valid, notwithstanding that the order
of delegation by the State Government under the said clause was not
made in accordance with the provisions of the said section or was not
published in the Official Gazette.

(2) Notwithstanding any judgment, decree or order of any court, no jurisdiction exercised, no judgment or order passed or made in exercise of the powers or performance of duties under the principal Act or the rules made thereunder, and no other act or proceedings done or taken in exercise of such powers and performance of such duties before the commencement of this Act, by any officer or authority referred to in sub-section (1) shall be deemed to be illegal or invalid or ever to have become illegal or invalid by reason only of the fact that such officer or authority was not duly appointed as Director of Consolidation, Settlement Officer, Consolidation, Additional Settlement Officer, Consolidation, or Assistant Settlement Officer, Consolidation, as the case may be, under the said Act.

ZAKIR HUSAIN,

President.

V. N. BHATIA,

Secy. to the Govt. of India.

Reasons for the enactment

Section 48 of the Uttar Pradesh Consolidation of Holdings Act, 1953, empowers the Director of Consolidation to hear revisions against orders passed by the authorities subordinate to him. It also enables such authorities to refer any case or proceedings to the Director for orders. In order to make it clear as to which of the authorities will be subordinate to the Director of Consolidation, an *Explanation* is proposed to be added to that section retrospectively.

2. The Government of Uttar Pradesh conferred powers of the Director of Consolidation under section 44 on the officer appointed as Consolidation Commissioner. The State Government, however, did not issue a notification appointing him as Director of Consolidation as required by clause (4) of section 3. The Allahabad High Court has held that conferment of powers under section 44 cannot in law amount to appointment under clause (4) of section 3 and consequently certain acts done by the Director of Consolidation are irregular. Likewise, the order of delegation under section 44(i) by the State Government of its powers in favour of the Director of Consolidation was not notified in the Gazette as required by that section. Accordingly, appointments made by the Director in pursuance of the powers delegated to him are also assailable. It is necessary to validate the

appointment of Director of Consolidation and other officers and also the acts done by such officers.

3. This measure is accordingly proposed to be enacted as a President's Act.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968 (7 of 1968), has approved the enactment of this measure as a President's Act.

J. C. MATHUR,

*Addl. Secy. to the Govt. of India,
Ministry of Food, Agriculture,
Community Development and
Co-operation (Department of
Agriculture).*

THE UTTAR PRADESH ANTARIM ZILA PARISHAD (RE-ENACTMENT AND CONTINUANCE) ACT, 1968

No. 19 of 1968

Enacted by the President in the Nineteenth Year of the
Republic of India.

An act to provide for the re-enactment, and for continuance of
the Uttar Pradesh Antarim Zila Parishad Act, 1958, in re-
lation to Uttarakhand Division.

In exercise of the powers conferred by section 3 of the Uttar
Pradesh State Legislature (Delegation of Powers) Act, 1968, the 7 of 1968
President is pleased to enact as follows:—

the
1-
and
1. (1) This Act may be called the Uttar Pradesh Antarim Zila
Parishad (Re-enactment and Continuance) Act, 1968.

(2) It shall be deemed to have come into force on the 1st day of
January, 1968.

2. Notwithstanding the expiry of the Uttar Pradesh Antarim Zila Parishad Act, 1958 (hereinafter referred to as the principal Act), the said Act shall be deemed to have been re-enacted so far as it relates to Uttarakhand Division and shall continue in force till the 31st day of December, 1969, and accordingly sub-section (3) of section 1 of that Act shall have effect as if for the figures, letters and words "31st day of December, 1967", the figures, letters and words "31st day of December, 1969" had been substituted.

Re-enactment and continuance of U.P. Act XXII of 1958.

3. For the removal of doubts it is hereby declared that anything done or any action taken or any order made including any tax or toll levied or fee charged, by the Antarim Zila Parishads in the Uttarakhand Division in the exercise or purported exercise of their powers or in the discharge or purported discharge of their duties, on or after the 31st day of December, 1967, shall be as valid and operative as if it had been done, taken, made, levied or charged in accordance with law:

Validation of certain acts

Provided that no contravention of, or failure to comply with, any of the provisions of the principal Act, as amended by this Act, shall render any person guilty of any offence if such contravention or failure occurred on or after the 31st day of December, 1967, and before the date of the publication of this Act in the Official Gazette.

ZAKIR HUSAIN,
President.

V. N. BHATIA,
Secy. to the Govt. of India.

Reasons for the enactment

As provided in sub-section (3) of section 1 of the Uttar Pradesh Antarim Zila Parishad Act, 1958, the Act expired in relation to the Uttarakhand Division on the 31st day of December, 1967. The three border districts of Uttarakhand Division were created in the year 1960, and the powers, duties and functions of the Antarim Zila Parishads, their Adhyakshas or any committee thereof, were vested in the Collectors of the districts by virtue of the proviso to sub-section (1) of section 4 of the said Act.

2. A Bill was introduced in the Uttar Pradesh Legislative Assembly on December 18, 1967, in order to extend the life of the Act in relation to the Uttarakhand Division; but before it could be passed by both the Houses of the State Legislature, the President's Proclamation under article 356 of the Constitution suspending the functioning of the Legislature came into force.

3. It is considered necessary to continue the *status quo* for some time more. Accordingly, it is proposed that the provisions of the said Act may be continued in force retrospectively for a period of two years so as to ensure continuity in the functioning of the Antarim Zila Parishads in the aforesaid districts of Uttarakhand Division.

4. The Committee constituted under the proviso to sub-section (2) of section 3 of the Uttar Pradesh State Legislature (Delegation of Powers) Act, 1968 (7 of 1968), has approved the enactment of this measure as a President's Act.

I. D. N. SAHL,

Addl. Secy. to the Govt. of India,
Ministry of Food, Agriculture,
Community Development and
Co-operation (Department of
Community Development).